

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

THEODORE E. OKECHUKU

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3:13-CR-481-P

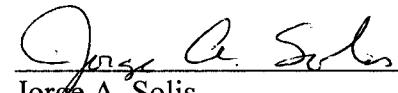
ORDER

Defendant, Theodore E. Okechuku, is one of 7 individuals named in a one count indictment charging a conspiracy to unlawfully distribute a controlled substance outside the scope of professional practice and without a legitimate medical purpose. Dr. Okechuku is a medical doctor who specialized in pediatrics and anesthesiology but was most recently practicing pain and addiction medicine. The government alleges that in the course of his practice Dr. Okechuku unlawfully prescribed the pain medication hydrocodone. On December 23, 2013, Dr. Okechuku was released on bail with conditions. On October 6, 2014, the government filed a motion to revoke Dr. Okechuku's pretrial release. Magistrate Judge Toliver held a detention hearing on October 17, 2014 and ordered the defendant detained pending his trial. Okechuku filed a motion to revoke the magistrate judge's order on October 24, 2014, and the government filed a response on November 21, 2014. A copy of the transcript of the detention hearing was filed on November 24, 2014. The court has reviewed the parties' briefing and the transcript of the detention hearing.

The court conducts a de novo review of the magistrate judge's detention order. *U.S. v. Fortna*, 769 F.2d 243, 249 (5th Cir. 1985). At the detention hearing, the government presented evidence that Dr. Okechuku has continued unlawfully prescribing hydrocodone. Dr. Okechuku argues that the government's evidence consists of "bare bones" allegations and conclusory statements that are insufficient to establish probable cause that he committed a crime. The court disagrees. At this stage, the government needs to show that there is probable cause to believe Dr. Okechuku committed a crime while on release. 18 U.S.C. § 3148 (b)(1)(A). Considering the evidence presented at the detention hearing, the court agrees with Judge Toliver that probable exists to believe Dr. Okechuku was continuing his unlawful scheme. The evidence came from multiple credible sources and, contrary to defendant's argument, does tie in to Dr. Okechuku. The description of the site of defendant's office by the investigator with the Texas Medical Board and the information by the Abilene police department regarding persons coming from Abilene to defendant's clinic when considered alone may not be sufficiently tied to Dr. Okechuka. However, when considered in light of the large increase in the hydrocodone prescriptions written by defendant as reflected in the DPS database and the information from a pharmacist who expressed concern at the large number of prescriptions written by the defendant, the evidence is sufficient to implicate Dr. Okechuku directly and establish probable cause. Once probable cause is found to believe that defendant committed a felony while on release, a rebuttable presumption arises that no conditions or combination of condition will assure the defendant is not a danger to the community. 18 U.S.C. § 3148(b). The court agrees with Judge Toliver that the defendant did not rebut the presumption.

Dr. Okechuku's motion for revocation of the magistrate judge's detention order is denied.

Signed this 3rd day of December 2014.



Jorge A. Solis
United States District Judge